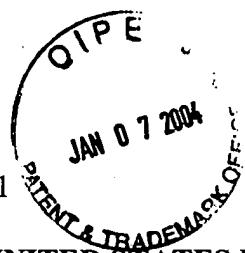


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Docket No.: 50395-131



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Kenichi KURISU, et al. : Confirmation Number: 7647
Serial No.: 10/051,023 : Group Art Unit: 1746
Filed: January 22, 2002 : Examiner: F. Assaf
For: DIFFRACTIVE OPTICAL ELEMENT

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated December 16, 2003, the Examiner imposed a requirement for an election of species pursuant to 35 U.S.C. §121, requiring election of either:

Species I: The diffractive optical element having the upper film being the same material as a substrate, and having finer crystal grains; or

Species II: The diffractive optical element comprising a substrate having polycrystals whose crystal grain is not more than about one micrometer.

In response Applicants elect to prosecute Species I, and list claims 1 through 13 as readable on elected Species I. Favorable consideration of claims 1 through 13 is solicited.

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